

CITY BOARD OF ZONING APPEAL #2374

DATE: November 3, 2004

DATE SCHEDULED FOR PUBLIC HEARING: November 19, 2004

LOCATION: Generally located east of N. 14th and north of Center Park Road.

ADDRESS: 1700 Center Park Road.

LEGAL DESCRIPTION: See attached.

APPLICANT: Mark Hunzeker
1045 Lincoln Mall, Suite 200
Lincoln, NE 68508
(402)476-1621

LOT AREA: 16 acres, more or less.

ZONING: I-2, Industrial

EXISTING LAND USE: Manufacturing.

SURROUNDING LAND USE AND ZONING:

North:	Warehouse, storage, manufacturing	I-2
South:	Manufacturing	I-2
East:	Single family	R-2, Residential
West:	Manufacturing, Penitentiary	I-2, AG, Agricultural

TYPE OF APPEAL:

THIS APPEAL IS DIRECTED TO THE BOARD RELATIVE TO A VARIANCE.

Section 27.49.080(a), L.M.C. requires a front yard setback of 50 feet. A variance from 50 feet to 0 feet is requested.

Section 27.49.080(a), LMC requires a side yard setback of 20 feet. A variance from 20 feet to 0 feet is requested.

STAFF FINDINGS:

1. This is a request to add 18 additional guest parking stalls in the required front yard setback along Center Park Road. And to add 9 additional parking stalls in the required side yard setback on the south 125 feet of Lot 6 along the west property line.

2. The applicant indicated that no other space is available to accommodate guest parking.
3. The property meets parking requirements, meaning all required stalls are provided on site. Most of the building construction pre-dated the zoning ordinance requirements, however, construction after 1979 must meet all zoning codes.
4. In 1987 an addition was done. The application indicated 137 parking stalls based on the number of employees. The application further indicated parking in the rear of the building reserved for overflow. In 1994 another addition was completed which added on to the rear of the building, eliminating the reserved overflow parking stalls. The 1994 application showed vacant area which was available for overflow parking if necessary. The 1994 application showed parking stalls along the west side of the building in compliance with side yard setback requirements. However, the aerial provided by the applicant shows parking along the entire west property line, in violation of the side yard setback. Additionally, the aerial shows parking in the required front yard setback between the 3rd and 4th entrance drives which is not in compliance with the setback requirements. These areas are shown on an attached aerial.
5. This lot is large, larger than many of the neighboring properties. The 16 acre lot contains 264 existing parking stalls for the approximately 266,000 square foot manufacturing building.
6. The applicant provided a site plan which shows the future expansion of a freezer in 2006. It appears that parking is an issue now and will be an issue in perpetuity. Even if the applicant is able to demonstrate a peculiar, exceptional and unusual circumstance related to this application it appears that any future expansions are going to place greater pressure on the parking needs. Staff believes that the expansions are causing the increased parking needs, which is concluded to be a self created hardship. The applicant needs to find a long term solution to this problem, which may include changing the zoning district (as described in analysis #9), re-evaluating the efficiency of parking and circulation on their site, purchasing adjacent property (if possible), or finding a larger site for their business. Planning staff prefers this owner work with adjacent properties to come together and apply to change the zone, as later described, in combination with evaluating the efficiency of the circulation and parking between this and other properties.
7. All properties along Center Park Road have a clear 50' front yard setback, as seen in the aerial.
8. The Board of Zoning Appeals is empowered to grant variances "to the extent necessary to permit the owner a reasonable use of the land in those specified

instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances are not generally found within the locality or neighborhood concerned.”

9. If this appeal were not granted, the owners may ask to change the zoning district to I-3, Industrial Park (along with other property for a total of at least 50 acres). The setbacks may be waived or modified in the I-3 district through the use permit process.

Prepared by

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Planner

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Board of Zoning Appeals #2374 1700 Center Park Rd.

2002 aerial

Zoning:

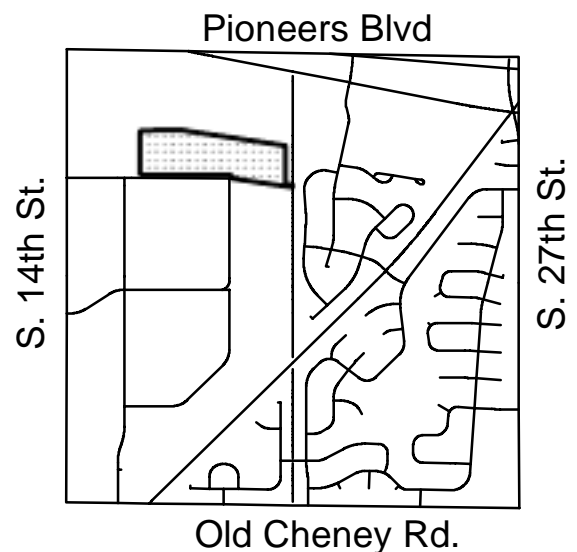
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 12 T09N R6E



Zoning Jurisdiction Lines

City Limit Jurisdiction



Lincoln City - Lancaster County Planning Dept.